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1415 SOUTH ROSELLE ROAD
PALATINE, IL 60067

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JUL 28 2004

OFFICE OF PETITIONS

In re Application of :
Lindner et al. :
Application No. 09/454,566 :
Filed: December 7, 1999 : ON PETITION
Attorney Docket Number: SAA- :
25 (122.161) :
:

This is a decision on the petition under 37 CFR 1.137(a), filed via facsimile January 29, 2004, to revive the above-identified application.

This Petition is hereby **dismissed**.

Any further petition to revive the above-identified application must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Request for Reconsideration of Petition under 37 CFR 1.137", and be addressed to Petitions Attorney Derek L. Woods. This is **not** final agency action within the meaning of 5 U.S.C. § 704.

The above-identified application became abandoned for failure to timely and properly reply to the Notice of Allowance and Issue Fee Due, ("Notice") mailed August 20, 2003. The Notice set a non-extendable period for reply of three (3) months from the mail date of the Notice.

Applicant filed an Issue Fee Transmittal Form and authorization to charge deposit account 19-3875 the issue fee on November 20, 2003; however, when the Office attempted to charge the deposit

account the issue fee on November 26, 2003, there were insufficient funds in the deposit account.

No proper reply having been received, the application became abandoned on November 21, 2003. A Notice of Abandonment was mailed January 8, 2004.

Applicant files the instant petition and avers that a timely and proper reply was filed on November 20, 2003, and in support of this assertion filed a return-receipt postcard acknowledging receipt by this Office on November 24, 2003, *inter alia*, the Issue Fee Transmittal Form and authorization to charge deposit account.

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by: (1) the required reply (unless previously filed); (2) the petition fee required by 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) if required, a terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)).

This petition lacks items (1) above. As to item (1), Petitioner failed to provide the issue fee.

The application file will be retained in the Office of Petitions to await the required reply for a period of two months; thereafter, the file will be forwarded to the files repository.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Director for Patents
Mail Stop Petition
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (703) 872-9306
Attn: Office of Petitions

By hand: 220 20th Street S.
Customer Window
Crystal Plaza Two, Lobby Room 1B03
Arlington, VA 22202

Telephone inquiries concerning this matter should be directed to
the undersigned at (703) 305-0014.

Derek L. Woods
Derek L. Woods
Petitions Attorney
Office of Petitions